

Janet Napolitano
Governor

Christina M. Sorenson, O.D.
President

Caroline Griego, O.D.
Vice President



Arizona State Board of Optometry
1400 West Washington, Suite 230
Phoenix, AZ 85007

Margaret Whelan
Executive Director

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FINAL MINUTES FOR REGULAR SESSION MEETING: JULY 18, 2008

Board Members

Christina M. Sorenson, O.D., President
Caroline Griego, O.D., Vice-President
Robert B. Pinkert, O.D.
Robert J. Maynard, O.D.
Curtis R. Winkler, M.D.
Vacant, Public Member

Staff:

Margaret Whelan, Executive Director
Paula Hollins, Licensing Administrator

Legal Counsel:

Melissa Cornelius, Assistant Attorney General

A. CALL TO ORDER: Dr. Sorenson

Dr. Sorenson called the meeting to order at 9:25 a.m.

B. ROLL CALL: Ms. Hollins

Board Members Present: Christina M. Sorenson, O.D., President
Caroline Griego, O.D., Vice President
Robert J. Maynard, O.D.
Curtis R. Winkler, M.D.

Board Members Absent: Robert B. Pinkert, O.D.

Legal Counsel Present: Melissa Cornelius, Assistant Attorney General

Staff Present: Margaret Whelan, Executive Director
Paula Hollins, Licensing Administrator

C. PRESIDENT'S REPORT: Dr. Sorenson

Dr. Sorenson gave a brief summary regarding annual ARBO meeting in Seattle.

D. REVIEW, DISCUSSION AND VOTE ON INVESTIGATIVE REVIEWS/COMPLAINTS:

1. K.N. vs. David Schanes, O.D.

IR#200836

Allegation: Deceptive advertising; Improper correction/fit of eyeglasses/contacts; Optometrist failed to correct problem

Dr. Sorenson summarized the case and recommended the Board dismiss the case due to lack of violation of the optometric practice act.

MOTION: Dr. Winkler moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Griego seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Vacant, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X		X
NO							
ABSTAIN							
ABSENT	1					X	

VOTE: Motion passed 4-0.

2. T.M. vs. Rhonda Nell (Wicks), O.D.

IR#200837

Allegation: Improper correction/fit of eyeglasses/contacts; Optometrist failed to inform patient of follow-up visit for dilation.

Dr. Sorenson summarized the case and recommended the Board dismiss the case due to lack of violation of the optometric practice act.

MOTION: Dr. Sorenson moved to issue a Letter of Concern for failure to recommend patient to come back for dilation. Dr. Winkler seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Vacant, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X		X
NO							
ABSTAIN							
ABSENT	1					X	

VOTE: Motion passed 4-0.

3. A.H. vs. Rochelle Myers, O.D.

IR#200838

Allegation: Unable to get contact prescription, did not get correct records.

Dr. Sorenson summarized the case and recommended the Board dismiss the case due to lack of violation of the optometric practice act.

MOTION: Dr. Griego moved to issue a Letter of Concern for relinquishing too much control of practice to staff since it is an optometrist's responsibility to manage his or her staff, including but not limited to monitoring their access to prescriptions to prevent any alteration without doctor authority. Dr. Sorenson seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Vacant, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X		X
NO							
ABSTAIN							
ABSENT	1					X	

VOTE: Motion passed 4-0.

4. J.S. vs. Diana Wykes, O.D.

IR#200839

Allegation: Refusal to give patient copy of prescription

Dr. Sorenson summarized the case and recommended the Board dismiss the case due to lack of violation of the optometric practice act.

MOTION: Dr. Griego moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Winkler seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Vacant, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X		X
NO							
ABSTAIN							
ABSENT	1					X	

VOTE: Motion passed 4-0.

5. O.I vs. Phuoc Ma, O.D.

IR#200840

Allegation: Poor/incomplete eye examination

Dr. Sorenson summarized the case and recommended the Board dismiss the case due to lack of violation of the optometric practice act.

MOTION: Dr. Sorenson moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Winkler seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Vacant, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X		X
NO							
ABSTAIN							
ABSENT	1					X	

VOTE: Motion passed 4-0.

6. E.B. and N.B. vs. Leo Biglaiser, O.D.

IR#200841

Allegation: Office dirty; Deceptive advertising; Improper correction/fit of eyeglasses/contacts; Incorrect prescription

Dr. Sorenson summarized the case and recommended the Board dismiss the case due to lack of violation of the optometric practice act.

MOTION: Dr. Winkler moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Sorenson seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Vacant, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X		X
NO							
ABSTAIN							
ABSENT	1					X	

VOTE: Motion passed 4-0.

7. ASBOO vs. Catherine Hollenbach, O.D.

IR#200842

Allegation: Deceptive advertising; specialist

Dr. Sorenson summarized the case and recommended the Board dismiss the case due to lack of violation of the optometric practice act.

MOTION: Dr. Sorenson moved to issue a Letter of Concern since as a licensed optometrist in this state, optometrists are responsible for knowing the statutes and rules of this Board and with that cannot hold themselves out to be a specialist. Dr. Griego seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Vacant, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X		X
NO							
ABSTAIN							
ABSENT	1					X	

VOTE: Motion passed 4-0.

8. S.L vs. Priscilla Lee, O.D.

IR#200843

Allegation: Improper correction/fit of eyeglasses; Optometrist failed to correct problem

Dr. Sorenson summarized the case and recommended the Board dismiss the case due to lack of violation of the optometric practice act.

MOTION: Dr. Winkler moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Sorenson seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Vacant, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X		X
NO							
ABSTAIN							
ABSENT	1					X	

VOTE: Motion passed 4-0.

9. R.A. vs. Mark Page, O.D.

IR#200844

Allegation: Improper correction/fit of eyeglasses/contact lenses; Eyes were seriously injured

Dr. Sorenson tabled to next meeting as there was no quorum for this discussion since Dr. Winkler recuses from this complaint due to conflict.

10. ASBOO vs. Mark Hechtman, O.D. and Neal Weinstein, O.D.

IR#200845

Allegation: Potentially illegal practices regarding contact lenses including trial lenses purchase and contact lens prescriptions

Dr. Sorenson summarized the case and recommended the Board dismiss the case due to lack of violation of the optometric practice act.

MOTION: Dr. Sorenson moved to go to Informal Interview to obtain further information on Nationwide Vision's policies and practices regarding trial contact lenses and prescriptions and doctors' procedures for handling these issues. Dr. Maynard seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Vacant, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X		X
NO							
ABSTAIN							
ABSENT	1					X	

VOTE: Motion passed 4-0.

11. ASBOO vs. Jimmy Routt, O.D.

IR#200847

Allegation: Failure to notify Board of current address pursuant to A.R.S. §32-1742

Dr. Sorenson summarized the case and recommended the Board dismiss the case due to lack of violation of the optometric practice act.

MOTION: Dr. Sorenson moved to go to Informal interview for the purposes of obtaining information from the doctor regarding lack of compliance with A.R.S. §32-1742. Dr. Griego seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Vacant, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X		X

NO							
ABSTAIN							
ABSENT	1					X	

VOTE: Motion passed 4-0.

12. ASBOO vs. Steven Kerr, O.D.

IR#200848

Allegation: Failure to notify Board of current address pursuant to A.R.S. §32-1742

Dr. Sorenson summarized the case and recommended the Board dismiss the case due to lack of violation of the optometric practice act.

MOTION: Dr. Griego moved to dismiss the case since once notified by the Board, the doctor immediately updated address information with the Board. Dr. Sorenson seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Vacant, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X		X
NO							
ABSTAIN							
ABSENT	1					X	

VOTE: Motion passed 4-0.

13. ASBOO vs. Amy Lingle, O.D.

IR#200849

Allegation: Failure to notify Board of current address pursuant to A.R.S. §32-1742

Dr. Sorenson summarized the case and recommended the Board dismiss the case due to lack of violation of the optometric practice act.

MOTION: Dr. Griego moved to dismiss the case since once notified by the Board, the doctor immediately updated address information with the Board. Dr. Sorenson seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Vacant, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X		X
NO							
ABSTAIN							

ABSENT	1					X	
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VOTE: Motion passed 4-0.

14. ASBOO vs. Baseem Wahab, O.D.

IR#200850

Allegation: Failure to notify Board of current address pursuant to A.R.S. §32-1742

Dr. Sorenson summarized the case and recommended the Board dismiss the case due to lack of violation of the optometric practice act.

MOTION: Dr. Sorenson moved to go to Informal Interview Informal interview for the purposes of obtaining information from the doctor regarding lack of compliance with A.R.S. §32-1742. Dr. Griego seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Vacant, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X		X
NO							
ABSTAIN							
ABSENT	1					X	

VOTE: Motion passed 4-0.

15. ASBOO vs. Tony Cohn, O.D.

IR#200852

Allegation: Failure to notify Board of current address pursuant to A.R.S. §32-1742

Dr. Sorenson summarized the case and recommended the Board dismiss the case due to lack of violation of the optometric practice act.

MOTION: Dr. Griego moved to dismiss the case since once notified by the Board, the doctor immediately updated address information with the Board. Dr. Sorenson seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Vacant, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X		X
NO							
ABSTAIN							
ABSENT	1					X	

VOTE: Motion passed 4-0.

16. ASBOO vs. Nita Catt, O.D.

IR#200853

Allegation: Failure to notify Board of current address pursuant to A.R.S. §32-1742

Dr. Sorenson summarized the case and recommended the Board dismiss the case due to lack of violation of the optometric practice act.

MOTION: Dr. Sorenson moved to go to Informal Interview Informal interview for the purposes of obtaining information from the doctor regarding lack of compliance with A.R.S. §32-1742. Dr. Griego seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Vacant, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X		X
NO							
ABSTAIN							
ABSENT	1					X	

VOTE: Motion passed 4-0.

17. ASBOO vs. Joanne Lew, O.D.

IR#200855

Allegation: Failure to notify Board of current address pursuant to A.R.S. §32-1742

Dr. Sorenson summarized the case and recommended the Board dismiss the case due to lack of violation of the optometric practice act.

MOTION: Dr. Sorenson moved to go to Informal Interview Informal interview for the purposes of obtaining information from the doctor regarding lack of compliance with A.R.S. §32-1742. Dr. Griego seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Vacant, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X		X
NO							
ABSTAIN							
ABSENT	1					X	

VOTE: Motion passed 4-0.

18. ASBOO vs. Matthew Oblad, O.D.

IR#200856

Allegation: Failure to notify Board of current address pursuant to A.R.S. §32-1742

Dr. Sorenson summarized the case and recommended the Board dismiss the case due to lack of violation of the optometric practice act.

MOTION: Dr. Sorenson moved to go to Informal Interview for the purposes of obtaining information from the doctor regarding lack of compliance with A.R.S. §32-1742. Dr. Griego seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Vacant, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X		X
NO							
ABSTAIN							
ABSENT	1					X	

VOTE: Motion passed 4-0.

19. ASBOO vs. Louis Spinozzi, O.D.

IR#200857

Allegation: Failure to notify Board of current address pursuant to A.R.S. §32-1742

Dr. Sorenson summarized the case and recommended the Board dismiss the case due to lack of violation of the optometric practice act.

MOTION: Dr. Griego moved to dismiss the case since once notified by the Board, the doctor immediately updated address information with the Board. Dr. Sorenson seconded the motion.

	Vote	Caroline Griego, O.D.	Robert Maynard, O.D.	Vacant, Public Member	Curtis Winkler, M.D.	Robert Pinkert, O.D.	Christina Sorenson, O.D.
YES	4	X	X		X		X
NO							
ABSTAIN							
ABSENT	1					X	

VOTE: Motion passed 4-0.

E. REVIEW, DISCUSSION AND POSSIBLE VOTE REGARDING REVIEW OF EVALUATION BY PSYCHOLOGIST AND RETURN TO PRACTICE:

20. Vincent G. Sanchez, O.D., IR#200422

Board went into Executive Session at 10:40.

Board reconvened Regular Session at 10:51.

MOTION: Dr. Sorenson moved to request that the State's attorney draft a proposed Stay of Revocation/Probation consent agreement to allow Dr. Sanchez to come off suspension with at least 48/60 months of probation with various terms and conditions. Dr. Griego seconded the motion.

VOTE: Motion passed 4-0.

F. REVIEW, DISCUSSION AND POSSIBLE ACTION ON PENDING REGULAR LICENSE APPLICATIONS:

- 21. Becken, Brandon
- 22. Chang, Tina
- 23. Chen, Inning
- 24. Codner, Steven
- 25. Hartman, Laura
- 26. Hiscox, Jacob
- 27. Hunter, Claire
- 28. Hwang, Julie
- 29. Lee, Adam
- 30. Palmer, Matthew
- 31. Rhodes, Matthew
- 32. Rollins, Michael
- 33. Sellers, Robert
- 34. Singer, Edward
- 35. Smalley, BobbieJo
- 36. Thompson, Taylor
- 37. Vu, Kathy
- 38. Wheatley, Jennifer
- 39. Wiggins, Ryan
- 40. Yoo, James
- 41. Zimmerman, Kimberly

MOTION: Dr. Sorenson moved to approve items 21 thru 41 for licensure. Dr. Maynard seconded the motion.

VOTE: Motion passed 4-0.

G. REVIEW, DISCUSSION AND POSSIBLE ACTION ON PENDING ENDORSEMENT APPLICATIONS:

- 42. Arbeitman, Debbie
- 43. Crane, Tracy
- 44. Koch, Paul
- 45. Winkelman, Ronald

MOTION: Dr. Sorenson moved to approve items 42 and 43 for licensure. Dr. Griego seconded the motion.

VOTE: Motion passed 4-0.

MOTION: Dr. Sorenson moved to approve item 44 for licensure. Dr. Winkler seconded the motion.

VOTE: Motion passed 4-0.

Staff withdrew item 45; application incomplete.

H. REVIEW, DISCUSSION AND POSSIBLE VOTE ON PHARMACEUTICAL AGENT CERTIFICATE APPLICATIONS:

- 46. Michael Sachen, O.D.

Dr. Sorenson tabled the application because Dr. Sachen does not meet the current requirements to hold a Pharmaceutical Agent Certificate. Dr. Sachen needs more education to meet the requirements of the PA Certificate since he is not TPA certified. The application can be resubmitted to Board for approval once requirements have been met.

I. INITIAL REVIEW OF INSURER REPORTS TO DETERMINE INVESTIGATION PROCEEDINGS:

- 47. Michael Lamb, O.D.

The Board reviewed item 47 and determined that a formal complaint is not warranted at this time.

J. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON APPROVAL OF CONTINUING EDUCATION AS PROVIDED BY A.R.S. §32-1704(D) and A.A.C. R4-21-209:

Fiscal Year 2009

	Continuing Education	Date	No. of hours requested
a.	FOA	July 10 – 13, 2008	18 Regular 4 PM
b.	CAOS	April 29, 2008	3 Regular
c.	Diabetic Retinopathy	April 15, 2008	2 Regular
d.	Glaucoma & Cataract Update	March 18, 2008	2 Regular

e.	VEGF Trap-eye	April 24, 2008	2 Regular
f.	Optometric Certification Course for the Vision ICL	April 24, 2008	5.5 Regular
g.	Int'l Vision Expo West 2008	October 2-6, 2008	190 Regular
h.	Cataracts and Ocular Surface Disease	September 18, 2008	2 Regular
i.	Resident Cases	May 20, 2008	2 Regular

MOTION: Dr. Winkler moved to approve items a, b, and g. Dr. Maynard seconded the motion.

VOTE: The motion passed 4-0.

MOTION: Dr. Sorenson moved to approve items c, d, e, f, h, and i. Dr. Griego seconded the motion.

VOTE: The motion passed 3-0. Dr. Winkler abstained.

K. REVIEW, DISCUSSION AND POSSIBLE VOTE ON REVISION OF A.A.C. R4-21-201(C)(5):

MOTION: Dr. Sorenson moved to deny the revision or repeal of A.A.C R4-21-201(C)(5) at this time. Dr. Griego seconded the motion.

VOTE: The motion passed 4-0.

L. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF BOARD MEETING MINUTES:

48. April 18, 2008 Regular Session Minutes

MOTION: Dr. Sorenson moved to approve Regular Minutes and as written. Dr. Griego seconded the motion.

VOTE: The motion passed 4-0.

M. EXECUTIVE DIRECTOR'S REPORT:

- 49. Legislation
- 50. Rules
- 51. Budget
- 52. Miscellaneous

Ms. Whelan reported on tabs 50 thru 53 inclusive.

N. CALL TO PUBLIC:

Dr. Sorenson

Dr. Sorenson made a call to the public at 11:49 p.m. Andria Kowalczyk and Mark Peller, O.D. addressed the Board.

Dr. Sorenson moved to adjourn the meeting at 11:59 p.m. Dr. Maynard seconded the motion. Meeting adjourned at 12:00 noon.

END OF MINUTES

Margaret Whelan, Executive Director

Date